

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. Rejection of claims 1, 4-6, and 9 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 2,749,816 (*Jewell*)

This rejection is respectfully traversed on the basis that the *Jewell* patent fails to disclose each and every feature of claim 1, from which claims 4-6 and 9 depend.

By way of review, claim 1 recites a method for binding a quire formed of folded sheets. This binding method includes providing a quire and partly rolling up the quire along the folding edge. The method also includes providing at least one cut through the sheets of the quire as of a short distance from the folding edge of the quire, where the lip has a widening.

In this manner, the claimed method results in a binding for a quire that is effectuated by opening the quire, wherein the widening of the lip meshes under the side edges of the cut in the back sheet of the quire (see in particular Fig. 7 of the disclosure as originally filed).

Turning to the *Jewell* patent, a paper fastening device having a frame member 10 formed from a single strip of metal bent through substantially 90 degrees at four points between its ends is disclosed (col. 2, lines 24-27). The frame member 10 includes a hole 26B to allow paper to be punched, the first bend (positioned to the left side of the hole 26B), is spaced from the hole 26B (Figs. 1-3).

To use the device of the *Jewell* patent to attach sheets of paper to one another, the sheets are superimposed, and at least at one corner, folded over through 180 degrees preferably along a line forming an angle of 45 degrees with the edges of the sheets (col. 3, lines 1-5). The folded over corner is inserted into the recess 19 and the punch 11 is depressed fully causing a shearing face 11 to punch a major segment of a circle 29 from

the sheets (col. 3, lines 5-9). A complete circle is not punched out since the length of the punch portion 22 is insufficient to permit the shearing face 27 to completely enter the hole 26B (col. 3, lines 9-12).

Once the sheets have been punched, the sheets are separated from the device, during which the attachment segment 29 is tripped by the walls of the hole 26 and is folded backwards through approximately 180 degrees along a line 30 which is the peripheral chord of the segment 29 to lie in the position shown in Fig. 4 to hold the sheets attached to each other (col. 3, lines 15-21).

However, the *Jewell* patent fails to disclose at least 1) providing a quire of folded sheets slipped into each other, 2) at least partly rolling up the quire along the folding edge of the quire, and 3) a lip extending mainly crosswise to the folding edge of the quire, wherein the lip has a widening, all as required by pending claim 1.

In particular, while the *Jewell* patent discloses folding the corners of sheets over, there is no disclosure or suggestion in the *Jewell* patent of providing a quire of folded sheets slipped into each other, as required by pending claim 1. The method and structure of folded over corners of superimposed sheets, as disclosed in the *Jewell* patent, does not anticipate the recited method and structure of providing a quire of folded sheets slipped into each other, as required by pending claim 1.

Further, there is simply no disclosure or suggestion in the *Jewell* patent of at least partly rolling up the quire along the folding edge of the quire, since the *Jewell* patent fails to disclose a quire, and since the *Jewell* patent discloses simply placing the folded corner of the superimposed sheets into the paper fastening device, and aligning the edge of the folded corner flush against the side 17 of the frame member 10 (see Fig. 3). As can best be seen in Fig. 3, the *Jewell* patent discloses that the superimposed papers are laid flat within the device, and are not at least partly rolled up the quire along the folding edge of the quire, as is required by pending claim 1.

Further still, the generally circular cut segment 29 of the *Jewell* patent does not disclose or suggest the lip extending mainly crosswise to the folding edge of the quire, wherein the lip has a widening, as required by pending claim 1, since the *Jewell* patent fails to disclose a quire as discussed above. Further, as can be seen in Figures 4-7 and 9 of the pending application, the cut through has a lip that has a widened portion that meshes under the side edges of the cut in the back sheet in order to achieve the recited binding. The circular cut segment 29 of the *Jewell* patent simply does not disclose or suggest the lip extending mainly crosswise to the folding edge of the quire, wherein the lip has a widening, as required by pending claim 1.

Therefore, since the *Jewell* patent fails to disclose at least 1) providing a quire of folded sheets slipped into each other, 2) at least partly rolling up the quire along the folding edge of the quire, and 3) a lip extending mainly crosswise to the folding edge of the quire, wherein the lip has a widening, all as required by pending claim 1, withdrawal of this rejection is respectfully requested.

As mentioned above, applicants submit that independent claim 1 is patentable and therefore, claims 4-6 and 9, which depend from claim 1, are also considered to be patentable as containing all of the features of claim 1, as well as for their respective recited features.

In particular, while the shearing face/die 27 of the *Jewell* patent is slanted in order to prevent the shearing face 27 from punching completely through the sheets, this slanting of the shearing face 27 is not sufficient to provide a cut slantingly through the sheets in relation to the sheets, as is required by pending claim 4. The effect of providing the cut slantingly through the sheets in relation to the sheets as recited by pending claim 4 is to provide the position of the cuts through the successive sheets to be staggered further away from the folding edge (specification page 6, lines 3-13). The step and structure recited in claim 4 are simply not disclosed or suggested in the *Jewell* patent.

Further, with respect to pending claim 9, since the *Jewell* patent fails to disclose a quire, and further fails to disclose the recited structure of the lip, it is respectfully submitted that the *Jewell* patent fails to disclose all of the lips meshing under the bottom sheet of a quire, as required by pending claim 9.

Accordingly, withdrawal of this rejection is respectfully requested.

2. Rejection of claims 10-12 and 15 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 2,587,749 (*Mission*)

This rejection is respectfully traversed on the basis that the *Mission* patent fails to disclose each and every feature of claim 10, from which claims 11, 12, and 15 depend.

In particular, the *Mission* patent fails to disclose at least the bowed portion such that the sheets of the quire are at least partly rolled up, as required by pending claim 10.

On the contrary, the structure of the paper punch of the *Mission* patent is similar to the fastening device of the *Jewell* patent. Specifically, the *Mission* patent discloses a paper punch having an inclined table 7. In use, when the forward edge of the paper has traveled up the incline 7 into slot 62 and has come into abutment with the rear face of the slot, the operator depresses the handle 64 to punch the paper (Figs. 1 and 3; col. 4, lines 58-64). Thus, contrary to pending claim 10, which includes a bowed portion such that the sheets of the quire are at least partly rolled up, the *Mission* patent only discloses flat portions (inclined and level) where the edge of the paper slides (but is not rolled up) into flush engagement with the rear face of the slot 62.

Accordingly, since the *Mission* patent fails to disclose at least the bowed portion such that the sheets of the quire are at least partly rolled up, as required by pending claim 10, withdrawal of this rejection is respectfully requested.

As mentioned above, applicants submit that independent claim 10 is patentable and therefore, claims 11, 12, and 15, which depend from claim 10, are also considered to

be patentable as containing all of the features of claim 10, as well as for their respective recited features.

Specifically, with respect to claim 15, the side stop 27 of the *Mission* patent merely provides a guide so that when the edge of the sheet is in contact with the side stop 27, the sheet is centralized on the table (col. 3, lines 14-17), and does not act as a clamping means arranged to enable clamping the sheets of a quire, as required by pending claim 15.

Accordingly, withdrawal of this rejection is respectfully requested.

3. Rejection of claims 1-3 and 8 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 5,447,402 (*Kobayashi*)

Reconsideration of this rejection is respectfully requested on the basis that the rejection fails to establish a *prima facie* case of obviousness with respect to claim 1, from which claims 2, 3, and 8 depend.

As discussed above, claim 1 recites a method for binding a quire formed of folded sheets including providing a quire and partly rolling up the quire along the folding edge.

Turning to the *Kobayashi* patent, a paper binding instrument is disclosed (abstract; col. 2, line 42).

Contrary to the requirements of pending claim 1, the *Kobayashi* patent discloses that it is an object of the disclosed paper binding instrument to provide proper binding without folding of the papers (col. 1, lines 42-44).

Thus, since the paper binding instrument of the *Kobayashi* patent is specifically designed to be used without folding of papers, a person having ordinary skill in the art would not have been led to utilize the paper binding instrument of the *Kobayashi* patent with a quire formed of folded sheets slipped into each other, as is required by the method recited in pending claim 1.

Further, as can be seen from Fig. 1, the paper binding instrument of the *Kobayashi* patent has a similar structure as the fastening device of the *Jewell* patent and the paper punch of the *Mission* patent, where the papers are slid flatly until the edge of the papers are flushly engaged with the face of a stop (unlabeled, Fig. 1). Thus, there is no disclosure or suggestion of at least partly rolling up the quire along the folding edge, as required by pending claim 1.

Accordingly, since the *Kobayashi* patent fails to disclose or suggest a method for binding a quire formed of folded sheets including providing a quire and partly rolling up the quire along the folding edge, as required by pending claim 1, a *prima facie* case of obviousness has not been established with respect to pending claim 1, from which claims 2, 3, and 8 depend. Therefore, withdrawal of this rejection is respectfully requested.

4. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

Please charge any additional fees required or credit any overpayments in connection with this paper to Deposit Account No. 02-0200.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicant's attorney, the examiner is invited to contact the undersigned at the numbers shown below.

BACON & THOMAS, PLLC  
625 Slaters Lane, Fourth Floor  
Alexandria, Virginia 22314-1176  
Phone: (703) 683-0500  
Facsimile: (703) 683-1080

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Respectfully submitted,  
  
/Patrick M. Buechner/

PATRICK M. BUECHNER  
Attorney for Applicant  
Registration No. 57,504